

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

IN RE:

JANICE ELAINE WILLIAMS

CASE NO. 02-92340
CHAPTER 13

DEBTOR

ORDER SUSTAINING DEBTOR'S OBJECTION TO PROOF
OF CLAIM #5 FILED BY HUNTINGTON STATE BANK

ON THIS DATE the Court considered the Debtor's objection to proof of claim #5 filed by HUNTINGTON STATE BANK (the "Claimant") on or about August 16, 2002, in the amount of \$3,638.92. The Debtor filed such objection on December 2, 2002. The Court finds that the objection to claim contains proof sufficient to overcome the presumption of validity imposed by Fed. R. Bankr. P. 3001(f) and was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure. The Court further finds that the objection contained the appropriate twenty (20)-day negative notice language, pursuant to Local Rule of Bankruptcy Procedure 9007, which directed the Claimant to file a written response within twenty days or the objection to claim would be deemed by the Court to be unopposed. Due to the failure of the Claimant to file a timely written response to the objection, the Court deems the Debtor's claim objection to be unopposed and, therefore, the Court finds that good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Debtor's Objection to the Proof of Claim filed by Claimant is SUSTAINED and that claim #5 filed by HUNTINGTON STATE BANK is hereby allowed as a secured claim in the amount of \$3,190.00, with the balance of the claim allowed as a general unsecured claim.

SIGNED this the _____ day of _____, 2002.

BILL PARKER
UNITED STATES BANKRUPTCY JUDGE